

REMARKS

In the Office Action mailed June 10, 2008 the Office noted that claims 1-14 were pending and rejected claims 1-14. No claims have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 1-14 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fukui, European Publication 1353467 A1 in view of TR 25.858 v1.1.0, R1-02-0435, 3GPP TSG RAN WG1 Meeting 23, hereinafter, "3GPP". The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Fukui discusses a method of transmitting sequences of sub-frames assigned to different users over a plurality of channels.

3GPP discusses the basic physical-channel structure of the HS-DSCH-related associated downlink signaling.

On page 3 of the Office Action, the Office states that Fukui does not specifically teach "wherein the control information error checking and acknowledgment message generating is performed at the second station by carrying out processing operations within radio interface layer 1," but asserts that 3GPP pages 13-15 does.

Further, on page 3 of the Office Action, the Office

states that if the CRC check is performed at the physical layer it would be obvious to one of ordinary skill in the art to also generate a NACK within this layer.

The Applicant respectfully disagrees with the assertion of the Office. It is well known in the art that error detection and recovery is performed at the Data Link Layer (layer 2). Further, 3GPP, lines 13-15 does not state that error detection is performed at the Physical Layer. The Applicant acknowledges that the 3GPP does discuss the appending of CRC bits on the signals sent to the UE (See 3GPP Fig. 4, page 14), but such an attachment of cyclical redundancy check bits is not the same as performing the check on the receiving node. Further, 3GPP does not mention sending an ACK/NACK, but instead states that lack of transmitting a H1 (See 3GPP first full paragraph, page 15) is interpreted as a DTX.

Thus, one of ordinary skill in the art would not be motivated to combine the references, as the prior art teaches detecting errors in layer 2. Further, if *arguendo* one was to combine the references, the resulting combination would not function as the Office asserts, as nothing in 3GPP asserts that the ACK/NACK is generated in layer 1.

For at least the reasons discussed above, Fukui and 3GPP, taken separately or in combination, fail to render obvious, the features of claims 1 and 7.

As regards claim 5, the Office asserts that Fukui ¶¶

0003-0005 and 0010 disclose "the control information is transmitted and received on a common control channel," as in claim 5.

However, in Fukui the control information is **not** transmitted and received on a common control channel. See page 2, lines 30-32 of Fukui, wherein it states that the UE receives data on a plurality of channels (i.e. HS-SCCH "high-speed shared control channel").

Withdrawal of the rejections is respectfully requested.

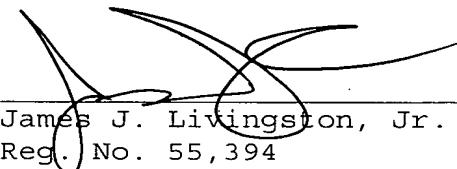
SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 1-14 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



James J. Livingston, Jr.
Reg. No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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